

A. G. Contract No. KR94 1700TRN  
ECS File: JPA 94-116  
Project: N-900-568/H3347 01C  
Section: Tubac State Park

**INTERAGENCY AGREEMENT**  
BETWEEN  
THE ARIZONA DEPARTMENT OF TRANSPORTATION  
AND  
THE ARIZONA STATE PARKS BOARD

THIS AGREEMENT is entered into 19 October, 1994,  
between the agencies of the STATE OF ARIZONA, to wit; the  
DEPARTMENT OF TRANSPORTATION (the "ADOT") and the ARIZONA STATE  
PARKS BOARD, acting by and through its Executive Director (the  
"Parks Board").

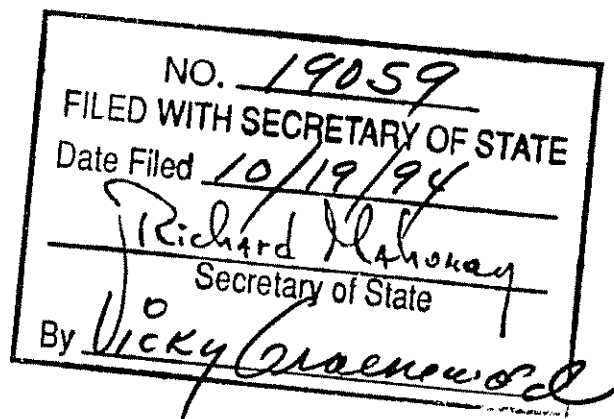
**I. RECITALS**

1. The ADOT is empowered by Arizona Revised Statutes  
Section 28-108 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has delegated  
to the undersigned the authority to execute this agreement on  
behalf of the ADOT.

2. The Parks Board is empowered by Arizona Revised  
Statutes Section 41-511.05 to enter into this agreement and has  
by resolution, a copy of which is attached hereto and made a  
part hereof, resolved to enter into this agreement and has  
authorized the undersigned to execute this agreement on behalf  
of the Parks Board.

3. The ADOT and the Parks Board desire to construct  
roadway improvements to Tubac State Park, including  
improvements to park interior roads, at an estimated cost of  
\$300,000.00, all at ADOT expense, hereinafter referred to as  
the Project.

THEREFORE, in consideration of the mutual agreements expressed  
herein, it is agreed as follows:



## II. SCOPE OF WORK

1. According to ADOT standards and specifications, and at it's own cost, ADOT will design, call for bids and award one or more construction contracts for the Project, administer same and make all payments to the contractor. ADOT shall be responsible for any contractor claims for extra compensation.

a. The work includes, but is not limited to improvements to park interior roads.

b. The estimated cost of these improvements is \$300,000.00.

2. ADOT may acquire in the name of the Parks Board additional rights of way as may be required for the Project, and, the Parks Board hereby authorizes ADOT to condemn rights of way in the name of the Parks Board, as necessary to accomplish said acquisition(s). The Parks Boards shall accept any right of way for the Project acquired by ADOT as part of the State Park system.

3. The Parks Board shall provide information to support the development and construction of the Project and necessary permits allowing for the contemplated construction.

4. Upon completion and acceptance of the Project by ADOT, maintenance and operation of the Project within the park shall be the sole responsibility of the Parks Board.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:


Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007


Arizona State Parks Board  
Capital Development Manager  
1300 West Washington Street  
Phoenix, AZ 85007

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**STATE OF ARIZONA**  
State Parks Board

**STATE OF ARIZONA**  
Department of Transportation

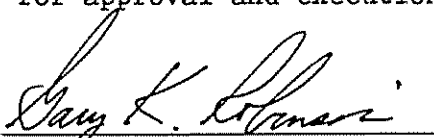
By   
KEN TRAVOUS  
Executive Director

By   
ROBERT P. MICKELSON  
Chief Deputy State Engineer

RESOLUTION

BE IT RESOLVED on this 12th day of July 1994, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the Arizona State Parks Board for the purpose of defining responsibilities for the design and construction of improvements to park interior roads at Tubac State Park.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Chief Deputy State Engineer for approval and execution.

For:   
LARRY S. BONINE  
Director

**RESOLUTION NO. 132**  
**By the Arizona State Parks Board**  
**Authorizing the Execution of the Intergovernmental**  
**Agreement with the**  
**Arizona Department Transportation**

Under powers granted to the Arizona State Parks Board by ARS 41-511.05, BE IT RESOLVED on this 16th day of September, 1994, that the ARIZONA STATE PARKS BOARD determines it is in the best interest of the State of Arizona to enter into an interagency Agreement with the ARIZONA DEPARTMENT OF TRANSPORTATION wherein the ARIZONA DEPARTMENT OF TRANSPORTATION will improve various areas within Tubac Presidio State Historic Park including, but not limited to, drainage easements, construction easements, road rights-of-way, and the acquisition of such lands in the name of the Parks Board where necessary to accomplish such improvements. The Board designates as public highways the roads, spurs, and other traffic related appurtenances within Tubac Presidio State Historic park for the purpose of constructing improvements under and Interagency Agreement, Project N-900-568 (TRACS H3347 01C).

Therefore, authorization is hereby given to the Arizona State Parks Board's Executive Director, or his designee, to sign said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS  
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025  
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT  
DETERMINATION

A. G. Contract No. KR94-1700-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 13th day of October, 1994.

GRANT WOODS  
Attorney General

JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:lsr  
8577G